HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.NO. 5645 OF 2007

Between:

M. Venkanna

… Petitioner

and

The District Collector and others

… Respondents

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W.P.No. 5645 of 2007

ORAL ORDER:

The petitioner is a member of the Fishermen Cooperative Society, Panagallu, Nalgonda District. The term of the elected committee expired recently. The 1st respondent issued proceedings dated 6.3.2007 for conducting elections to the Managing Committee. The election schedule was also notified, which has to commence from 26.3.2007 and conclude with the declaration of results on 19.4.2007.

The grievance of the petitioner is that the 1st respondent directed the elections to be held through secret ballot system.

Sri Ramakrishna, learned counsel for the petitioner, submits that the membership of the society is too small and Rule 22-B of the A.P. Cooperative Societies Rules, 1964 (for short 'the Rules') mandates that the election must be held by show of hands for such society. He contends that apart from giving rise to several objectionable practices, the secret ballot system leads to financial

burden to the society for printing of ballot papers etc. He further contends that the necessary procedure was not followed before taking the decision to direct the elections to be held through secret ballot system.

The learned Government Pleader for Cooperation, on the other hand, submits that Rule 22-B of the Rules provides for holding elections through secret ballot system for societies with small number of membership also, if the situation warrants, particularly when the outgoing society makes a request.

It is, no doubt, true that the emphasis under Rule 22-B is to hold elections through show of hands where the membership is small. It is stated that membership below 400 is treated as small, for the purpose of this Rule.

Rule 22-B (b) of the Rules itself enables the election authority to conduct elections to such societies through secret ballot system, if the outgoing committee makes a request to that effect. When the 1st respondent has directed election through such a system, it is to be presumed that necessary conditions existed. The petitioner does not contend that no such request was made.

Under these circumstances, this court is not inclined to grant any relief to the petitioner. The writ petition is dismissed. There shall be no order as to costs.

JUSTICE L. NARASIMHA REDDY

Date: 22/3/2007
cvm.